IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 17877 of 2007(C)

PETITIONERS:

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1. K.MOOSA, SON OF KUNHAMMAD K.,
   ASSISTANT TEACHER, GOVT. BLIND SCHOOL,
   KASARAGOD.

2. P.M.ABOOBACKER, S/O MOHAMMED,
   BRAILIST, GOVT. BLIND SCHOOL, KASARAGOD.

3. UMESHAN, S/O MADHAVAN K.,
   ASSISTANT INSTRUMENT MUSIC TEACHER,
   (PART-TIME), GOVERNMENT BLIND SCHOOL,
   KASARAGOD.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE
   CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
   THIRUVANANTHAPURAM.

3. THE JOINT DIRECTOR(ACADEMIC),
   THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF EDUCATION,
   KASARAGOD.

5. THE DISTRICT EDUCATIONAL OFFICER,
   KASARAGOD.

6. THE ADMINISTRATIVE ASSISTANT OFFICE
   OF THE DEPUTY DIRECTOR OF EDUCATION,
   KASARAGOD.

7. V.R.HARIDAS, BRAILIST,
   GOVT. BLIND SCHOOL, OLASSA, KOTTAYAM.

*8. THE SECRETARY
STATE OF KERALA
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM

ADDL. RESPONDENT NO.8 IMPLEADED AS PER ORDER DT. 3.7.07 IN I.A. 8881/07

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007 ALONG WITH WPC NO. 17889 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NOs. 17877 & 17889 OF 2007

Dated this the 3rd day of July, 2007

J U D G M E N T

Petitioners in these two writ petitions are teachers working in the Government School for the Blind at Kasargod and Kottayam respectively. In W.P.(C) No.17877/07, petitioner No.1 has been ordered to be transferred to Thrissur, petitioner No.2 to Kottayam and petitioner No.3, who is a part-time teacher, to Thiruvananthapuram. Petitioner in W.P.(C) No.17889/07 has been shifted from Kottayam to Kasargod.

2. Petitioners contend that the order of transfer is totally unwarranted and is nothing but an act of victimisation. They have also raised various other contentions. I do not propose to deal with any of the contentions raised by the petitioners in support of their plea for quashing the said order at this stage.

3. It appears that the Director had passed the orders of transfer pursuant to a report submitted by the Deputy Director of Education, Kasargod. Yet again, I refrain from making any observations on the contents of the report, which has been made available by the learned Government Pleader for perusal, particularly

since the orders of transfer have come into force and petitioners have reportedly assumed charge at their respective stations to which they have been transferred.

4. However, in the peculiar facts and circumstances of the case, particularly in view of the submissions made by learned counsel for the petitioners at the Bar that the petitioners being blind they find it extremely difficult to adjust to the new stations because of various reasons, undoubtedly peculiar to such disabled persons, I am of the view that the grievances of the petitioners may have to be considered by the competent authority with due compassion. Petitioners have preferred representations highlighting their predicament and grievances. Learned counsel submits that the authority concerned may be directed to take a decision in the matter without any delay.

In the above facts and circumstances, W.P.(C) No.17877/07 is disposed of with a direction to additional respondent No. 8 to consider and pass orders on Exts.P5 to P7 strictly on their merit and in accordance with law, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Similarly, respondent No.1 shall also take a decision on

Ext.P4 within the time stipulated above. Needless to mention that the authority concerned shall afford sufficient opportunity to the petitioners or their authorised representatives to be heard before any decision is taken in the matter. Petitioners shall produce a certified copy of the judgment along with a copy of the writ petition before the authority concerned for compliance.

The writ petitions are disposed of in the above terms.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007